

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE:**

**THE TRACTOR COMPANY, INC.,  
  
Debtor.**

**Bankruptcy No. 15-23829-CMB  
  
Chapter 11**

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**BRANCH BANKING AND  
TRUST COMPANY,**

**Adversary No. 15-**

**Plaintiff,**

**vs.**

**THE TRACTOR COMPANY, INC.,  
a West Virginia corporation; JOE D. ISON;  
and WILLIAM E. CONNOLLY, individually,**

**Defendants.**

**NOTICE OF REMOVAL**

**AND NOW**, comes The Tractor Company, Inc., the Debtor, by and through its Counsel, Robert O Lampl, John P. Lacher, David L. Fuchs and Ryan J. Cooney and files this **NOTICE OF REMOVAL**:

1. The Debtor in this Chapter 11 Case, hereby removes to this Honorable Court the case of **BRANCH BANKING AND TRUST COMPANY, a North Carolina banking corporation vs. THE TRACTOR COMPANY, INC., a West Virginia corporation; JOE D. ISON; and WILLIAM E. CONNOLLY, individually**, pending before the United States District Court for the Southern District of West Virginia at Civil Action No. 5:14-cv-25740-ICB.

2. The Debtor is entitled to remove this Civil Action pursuant to 28 U.S.C. Section 1452, 28 U.S.C. Section 1334 and F.R.B.P. Rule 9027, and is doing so in a timely manner in accordance with F.R.B.P. Rule 9027 (a)(2).

3. The removed Civil Action is a core proceeding which involves, among other things, breach of contract claims brought against the Debtor and Principals of the Debtor. This action involves Property of this Estate, the administration of the Estate, allowance or disallowance of claims against the Estate, and affects the adjustment of the debtor-creditor relationship. See: 28 U.S.C. Section 157(b)(2)(a), (b) & (c); 11 U.S.C. Section 541; and **Bd. Of Trustee v. Foodtown, Inc.**, 296 F.3d 164, 2002 U.S. App. Lexis 14402, 48 Collier Bankr. Case. 2d (MB) 1007, 28 Employee Benefits Case. (BNA) 1641 (3d Cir. N.J. 2002).

4. In compliance with F.R.B.P. Rule 9027 (a)(1), A copy of the Docket Report from the United States District Court for the Southern District of West Virginia (Beckley) is attached hereto as **EXHIBIT A** and all docketed pleadings filed in the removed Civil Action are numbered (1 through 54) and attached hereto collectively as **EXHIBIT B**.

Respectfully Submitted,

Date: November 16, 2015

/s/ Robert O Lampl  
ROBERT O LAMPL  
PA I.D. #19809  
JOHN P. LACHER  
PA I.D. #62297  
DAVID L. FUCHS  
PA I.D. #205694  
RYAN J. COONEY  
PA I.D. #319213  
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a West Virginia corporation; JOE D. ISON;  
and WILLIAM E. CONNOLLY, individually,**

**Defendants.**

**CERTIFICATE OF SERVICE**

Robert O Lampl, John P. Lacher, David L. Fuchs and Ryan J. Cooney  
hereby certify that on the 16<sup>th</sup> day of November, 2015, a true and correct copy of  
the within **NOTICE OF REMOVAL** was served upon the following (*via electronic  
service, First-Class U.S. Mail and/or FedEx*) as noted:

Norma Hildenbrand  
Office of the U.S. Trustee  
970 Liberty Center  
1001 Liberty Avenue  
Pittsburgh, PA 15222  
(*via First-Class U.S. Mail*)

Angela D. Herdman  
David A. Bosak  
Spilman Thomas & Battle  
P.O. Box 273  
Charleston, WV 25321-0273  
(*via First-Class U.S. Mail*)

Christopher S. Smith  
Nicola D. Smith  
Hoyer Hoyer & Smith  
22 Capitol Street  
Charleston, WV 25301  
(via First-Class U.S. Mail)

Sally E. Edison  
Spilman Thomas & Battle  
One Oxford Centre, Suite 3440  
301 Grant Street  
Pittsburgh, PA 15219  
(via First-Class U.S. Mail)

Clerk of Court-U.S. District Court  
Southern District of West Virginia  
110 North Heber Street, Room 119  
Beckley, WV 25801  
(via FedEx)

Date: November 16, 2015

/s/ Robert O Lampl  
ROBERT O LAMPL  
PA I.D. #19809  
JOHN P. LACHER  
PA I.D. #62297  
DAVID L. FUCHS  
PA I.D. #205694  
RYAN J. COONEY  
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